

October 22, 2008

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**Elisabeth A. Shumaker
Clerk of Court

NATHAN YBANEZ,

Plaintiff - Appellant,

v.

WARDEN KEVIN MILYARD; A
NUMBER OF JOHN DOES; THE
EXECUTIVE DIRECTOR OF C.D.O.C;
GARY LITTLE; LLOYD WAIDE,

Defendants - Appellees,

and

RAYMOND HIGGINS; JEFF REVORD;
ROBERT KEISEL,

Defendants.

No. 08-1340

(D.C. No. 1:07-CV-01976-MSK-KMT)

ORDER

Appellant's "Voluntary Dismissal of Appeal," construed as a motion to dismiss the appeal, is granted. *See* Fed. R. App. P. Rule 42(b).

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk